

IN THE UNITED STATES FEDERAL DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
(Article III Court)

UNITED STATES OF AMERICA]
(Fictitious Party)]
Plaintiff]
]
v.] Case No. 4:10-cr-00131-FJG-1
] (Cestui Que (Vie) Trust)
Denny-Ray: Hardin, sui juris]
(Real Party of Interest)]
Beneficiary]

Response to Plaintiff's Motion For Continuance

Comes Now,Denny-Ray: Hardin, sui juris as an “American National” born in the “Republic of Missouri” within the “Republic of the United States of America” as a “Beneficiary” of the “Cestui Que (Vie) Trust” known as the “Constitution for the United States of America”. As clearly stated in the “Demand for Examination for fraud on the Court” filed in this case, clearly shows this case has been stalled for over a year by Magistrate Robert E. Larsen, Assistant United States Attorney Brian Casey and Federal Public Defender Anita Burns who by Fraud, misrepresentation and deceit have subjected Denny-Ray: Hardin to a mental evaluation based upon Fraudulent claims the “STATE OF MISSOURI” declared him delusional. The final report of Butner, North Carolina clearly established this fraud of Brian Casey and Anita Burns who refused to contact Ms Koch of the Moberly Correctional Center to determine if Denny-Ray: Hardin was in fact found delusional. Instead Brian Casey and Anita Burns, working in

prosecutorial misconduct, presented "Fraud on the Court" to unlawfully have Denny-Ray: Hardin committed to a year of mental evaluations that the Butner Report determined was unwarranted. The 6th Amendment right to a "Speedy Trial" has long since been violated. The "Speedy Trial Act" 18 U.S.C. 3161 (c) (1) requires trial within 70 days which was not conducted by "Fraud on the Court" to stop the judicial machinery from its lawful duty. This case should be dismissed for "Speedy Trial Violation".

Answers to Suggestions in Support

- 1) Because no "Complaint" is filed in this cause of action, no grand jury could have returned a lawful "Indictment". Denny-Ray: Hardin was denied his substantial rights to array and challenge the grand jury Rule 6 (b) (1) and has filed a "Motion to Dismiss" under Rule 6 (b) (2) due to be answered June 15, 2011 and unanswered to date.
- 2) Denny-Ray:Hardin was unlawfully arrested, without a warrant by F.B.I Agent Van Sickle, at the Moberly Correctional Center and brought before the Magistrate against my will. Because no "Complaint" has been filed in this cause of action no lawful warrant could be issued. "Rules 3 and 4 of the Federal Rules of Criminal Procedure 18 U.S.C.A. require that an arrest warrant shall be issued only upon a written and sworn complaint,,"Giordenello v. United States 1958, 357 U.S. 480, 485-486, 78 S.Ct. 1245, 2 L. Ed.2d 1503.
- 3) Brian Casey, Anita Burns and Robert E. Larsen worked in clear "Conspiracy Against Rights" 18 U.S.C. 241 to deny Denny-Ray: Hardin his rights in "Mental Competency Hearings" and held him Hostage 18 U.S.C. 1203 for over a year Denny-Ray: Hardin's competency was stalled for over a year. By F.B.I Agent Van Sickle's testimony, Brian Casey's testimony and Robert E. Larsen's clear bias and prejudicial conduct Denny-Ray: Hardin has been denied bail in violation of the "Bail Reform Act" and the 8th Amendment to hinder his preparations for trial. "Notice of Appeal" has been filed on June 13, 2011 to Chief Judge Fernando J. Gaitain. This Appeal is currently pending.

- 4) Denny-Ray: Hardin is true to his word.
- 5) On May 27, 2011 Denny-Ray: Hardin filed a "Motion to Dismiss for lack of Territorial Jurisdiction, due to be answered by June 10, 2011. The response of Brian Casey failed to establish Territorial Jurisdiction in this cause of action; he claims he does not have to. The "Notice of Appeal" addresses this issue as well as a Response has been filed. On June 1, 2011 Denny-Ray: Hardin filed the "motions" required by Rule 12 (b) (3) to be filed before trial. Brian Casey was given until June 15, 2011 to answer these discovery documents. Most are unanswered. On June 6, 2011, Denny-Ray: Hardin filed a "motion to suppress Evidence" stating that because no lawful "Complaint" is present in this cause of Action, no lawful warrant could have been issued. Thus establishing all evidence is "Fruit of a poisonous tree". Brian Casey Motioned the court to dismiss Defendant's Motion and cancel the Suppression hearing scheduled for June 23, 2011. Magistrate Larsen ordered the suppression hearing for Defendant to show what he wants suppressed and by what authority he claims this right. Magistrate Larsen will be challenged for his authority to make pre trial determination of trial issues of a felony case.
- 6) Brian Casey has failed to establish territorial jurisdiction in this cause of action and failed to respond to the other motions of record. Brian Casey wishes to proceed in this cause of action without lawful challenge or responsibility to produce the elements of his claims.
- 7) Brian Casey has twice tried to get Denny-Ray: Hardin to "Motion for Continuance" to stop the "Speedy trial Clock" that continues to run in this case. Denny-Ray: Hardin's right to a "Speedy Trial" has already been violated and Brian Casey is now attempting to cover up this fact.
 - a. Denny-Ray: Hardin is preparing for the August 1, 2011 trial date established by the court and will motion for Dismissal prior to that for violation of the

“Speedy Trial Act”. Denny-Ray: Hardin clearly understands his rights to request a continuance and For the record does not need a continuance.

- b. On June 7, 2011 Denny-Ray: Hardin responded to Brian Casey’s latest attempt to continue the trial date, by stating a “trial date is not necessary until Brian Casey establishes, territorial subject-matter and personal jurisdiction. To date Brian Casey has been allowed to hold Denny-Ray: Hardin in detention without a lawful warrant, continue to prosecute without a “Complaint”, evaded his responsibility to establish the court’s jurisdiction on the record and failed to establish the elements of his indictment lawfully required by the Federal Rules of Criminal Procedure, United States Codes and the Constitution for the united States of America and for the last year Brian Casey and Robert E. Larsen have engaged in “Treason” by proceeding in this cause of action without proper jurisdiction, as clearly stated by the United States Supreme Court as follows:

“When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.” U.S. v Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed. 2nd 392, 406 (1980) Cohen v. Virginia 19 U.S. (6 wheat) 264, 404 5 L.Ed. 257 (1821).

8) The lawful requirements of a criminal prosecution have not been produced by Brian Casey in over a year. Denny-Ray: Hardin has long since been prepared for trial and been denied to date by the court in clear violation of the speedy trial act. Before this case can go to trial Brian Casey will have to establish personal, subject matter and territorial jurisdiction on the record. Because no lawful “Complaint” has been made, criminal prosecution is prohibited. Brian Casey has violated the 4th, 5th and 6th Amendment due process of law and Federal Rules of Criminal Procedure Rules 3-11 and now seeks to

deny trial for yet another 3 months, of course holding Denny-Ray: Hardin in prison then 15 months without trial, complaint or warrant lawfully required by laws. Denny-Ray: Hardin does not need a continuance. Brian Casey is conduction further "Fraud on the Court" to stop the judicial process, delay proceedings and evade the responsibility to prove his allegations.

9) Brian Casey and Magistrate Robert E. Larsen have conspired to deny Denny-Ray: Hardin discovery in this cause of action. Denny-Ray: Hardin is not proceeding "pro-se" under the Court's jurisdiction, he is proceeding "sui juris" lawfully challenging the court to establish its jurisdiction. The court has been "Motioned for Discovery" under Rule 12 (b) (3) (E) for all "Discovery". Rule 16 (1) (A)-(G) establishes the discovery, Denny-Ray: Hardin is entitled to in this cause of action. Brian Casey and Magistrate Robert E. Larsen have determined Denny-Ray: Hardin will not be provided "Discovery" and must come to the Federal Court House to view "Discovery". This is clearly denial of "Due process of law" required by the 5th Amendment, thus hindering the defense in its preparation for trial. Denny-Ray: Hardin contends any "Discovery", not provided pre-trial is not admissible at trial under the "surprise clause". The 6th Amendment requires a "fair trial" meaning Denny-Ray: Hardin is given all documentation to be introduced, all tapes/videos to be played and a list of all witnesses to be called, Failure of the Court to enforce this due process of law will be challenged as a violation of the 5th Amendment on appeal.

10) Brian Casey, claims 4000 plus pages of discovery will be available for defendant's review. But because "no probable cause" in the form of a "Complaint" signed under penalty of perjury is present, no lawful "search warrant" is present in this cause of action. All evidence obtained under an unlawful search warrant is surpressible as "Fruit of a poisonous tree" under Wong Sun v. United States, 371 U. S. 471, 83 S.Ct. 407, 9L.Ed 2d 441. Because no "Complaint" was filed in this cause of action all evidence obtained by "search warrant" is not admissible, under Giordenello v. United States 1958, 357 U.S. 480, 485-486, 78 S.Ct. 1245, 2 L. Ed. 2d 1503. For clear understanding view "Motion to suppress Evidence filed June 6, 2011.

F.B.I. Agent VanSickle has made "false declarations before the grand jury and court" a crime under 18 U.S.C. 1623 claiming to be a "law enforcement officer". Recently acquired "Articles of Incorporation" establish the "F.B.I. INC." is a "Corporation" and F.B.I. Agent VanSickle is nothing more than a "Corporate Employee". Magistrate Robert E. Larsen's issuance of a "Search Warrant" (08-SW-00133 REL) without probable cause is a clear violation of the Fourth Amendment. "Corporate Employee" VanSickle utilized this, unlawful search warrant to unlawfully exercise the "Police Powers" of "Missouri" through "Kansas City. S.W.A.T.". Magistrate Robert E. Larsen sanctioned VanSickle to violate the "Constitution of Missouri" Article XI, Section 3 as follows:

Article XI, Section 3,

"Section 3. Exercise of police power with respect to Corporations.----The exercise of the police powers of the state shall never be surrendered, abridged, or construed to permit corporations to infringe the equal rights of individuals or the general well-being of the state."

For F.B.I. Agent VanSickle to utilize K.C. S.W.A.T. to conduct a general search of Denny-Ray: Hardin's property without probable cause is clear violations of the 4th, 5th and 6th Amendment due process of law. By reducing the evidence unlawfully seized in violation of the 4th Amendment. The 4,000 plus documents should be drastically reduced. Because the "illegal" issuance of a "search warrant" began this case all evidence obtained under that warrant and from investigation of that evidence is not admissible under the "exclusionary Rule" Mapp v. Ohio 367 U.S. 643, 81 S.Ct 1684, 6 L.Ed 2d. 1081. With the reduction of discovery to the bare minimum, ample time should be present for Denny-Ray: Hardin to complete his pre-trial requirements, prior to the August 1st trial date.

11) Brian Casey claims to have 40 witnesses to testify at trial and not one of them have signed a "Complaint" under the penalty of perjury. Because no "agent" will go unchallenged to produce the "principal" he speaks on behalf of, under the common law principle of "Agency", after the first couple of witnesses admit, "Bank Fraud", "Embezzlement and misappropriation of funds", "Extortion" and "Racketeering Activity" the remainder of Brian Casey's witnesses will probably refuse to take the stand. The jury will be the witnesses of the criminal conduct of these witnesses.

12) While Brian Casey estimates he will need three to 4 days to present his evidence, cross examination will be extensive, examination of F.B.I. Agent VanSickle could take 3 to 4 weeks alone. Hundreds have expressed the desire to come to Kansas City to testify on my behalf. No additional time will be necessary for Denny-Ray: Hardin to prepare and no additional time is requested. Brian Casey is clearly seeking to delay, deny, and stop these proceedings as done in the past by his "Fraud on the Court". Please review "Demand for Examination of Fraud on the Court".

13) Now the truth comes out. Brian Casey has travel plans and this case should be stopped to accommodate him and his assistant. While Denny-Ray: Hardin sits in prison awaiting his speedy trial, Brian Casey wants to delay the trial longer so he can travel. Any delay of the August 1st date will be viewed as "Fraud on the Court" to delay the proceedings, "Extrinsic Fraud" by keeping this case from trial and "Conspiracy Against Rights" by the Magistrate and AUSA engaging in Proscutorial Misconduct. Denny-Ray: Hardin's ready for trial today and suffers denial of due process of law each and every day in unlawful confinement.

14) Since Brian Casey, has never tried Denny-Ray: Hardin, his experience is of no lawful value. It is not Denny-Ray: Hardin, refusing to state the court's jurisdiction on the record, it is not Denny-Ray: Hardin failing to answer pre trial motions and it is not Denny-Ray: Hardin delaying these proceedings. Brian Casey is the source of all delays in this cause of action. Denny-Ray: Hardin has acted within the Rules of Criminal procedure and met all his lawful obligations. Brian Casey has repeatedly failed to act within his

duties, responsibilities and requirements. It is highly unlikely Brian Casey will produce the burden of proof required of government in this cause of action.

15) Because the Psychologist at the Butner, North Carolina Federal Medical Center contacted the Mental Health Specialist Ms. Koch and learned Denny-Ray: Hardin was not declared delusional by the "STATE OF MISSOURI". The judicial proceedings before this court were stopped based upon "Fraud on the Court", to delay the trial of Denny-Ray: Hardin and hold him as a prisoner without trial for over a year in Both CCA and the Federal Bureau of Prisons with adjudicated prisoners. This was clearly "Conspiracy against rights" of Robert E. Larsen, Fernando J. Gaitian, Brian Casey and Anita Burns, who denied Denny-Ray: Hardin all due process of law required in a Mental Evaluation Hearing. Denny-Ray: Hardin has repeatedly met all his lawful obligations it is time Brian Casey was required to meet his. Brian Casey has been successful in denial of the 4th, 5th and 6th Amendment due process of law and delayed these proceedings for over a year in violation of the "Speedy Trial Act" what more time does he deserve to meet his lawful obligations.

16) For Brian Casey to receive an additional 3 months to restrain Denny-Ray: Hardin without a lawful "Complaint", without a "lawful warrant" and without territorial, subject-matter or personal jurisdiction is clearly denial of due process, Brian Casey has repeatedly delayed these proceedings with the unlawful cooperation of Robert E. Larsen and Anita Burns. Because Denny-Ray: Hardin has already been given a trial date of August 1st he has set his schedule accordingly. The court should not deny trial to accommodate Brian Casey who has repeatedly failed to produce his elements of evidence required for criminal prosecution.

17) While Brian Casey does not feel a three month delay is not an out of the question request stating, "The ends of justice served by granting the requested continuance outweigh the best interest of the Public and the defendant in a speedy trial in large part because the delay will be slight, ..." Denny-Ray: Hardin has been denied trial for over 13 months now and if the additional 3 months is granted, 16 months has passed without trial while Denny-Ray: Hardin sits in prison. Because there is no lawful warrants, no

complaint, no lawful indictment and no lawful grounds for incarceration. Brian Casey is clearly seeking further punishment with the burden of proof required of government.

18) Dismissal under the "Speedy Trial Act" has been petitioned for and ignored by both Robert E. Larsen and Fernando J. Gaitain who denied the motion because Denny-Ray: Hardin was represented by Anita Burns, Even with all taken into consideration, the August 1st Trial date still violates the 6th Amendment and the "Speedy Trial Act" of 18 U.S.C. 3161 (c) (1) Denny-Ray: Hardin will not stop the speedy trial clock by requesting a continuance. Denny-Ray: Hardin will be ready for Trial on August 1st as scheduled.

19) Anita Burns has been "terminated" as counsel for her "Prosecutorial Misconduct" and based upon Brian Casey's word it seems further communication behind my back is being conducted. For Anita Burns to discuss anything having to do with me or this case is clear "Conspiracy against rights" specifically my right to be secure in my person under the 4th Amendment. Therefore, Denny-Ray: Hardin seeks removal of Anita Burns from this cause for clear "Professional Misconduct". Anita Burns opinion does not matter in the least to Denny-Ray: Hardin.

Conclusion

The conclusion of Brian Casey asks that this case be continued on behalf of the Defendant and removed from the trial docket, Denny-Ray: Hardin stands ready for trial and does not need any additional time. Because Brian Casey is paid by "Tax payers" perhaps he should do his job of establishing jurisdiction to proceed in this case rather than evading, avoiding and delaying his responsibility to produce discovery. Unless Brian Casey fails in his obligations before this court Denny-Ray: Hardin will be ready for trial on August 1st.

Statement of Truth

The foregoing is true and correct to the best of my knowledge and beliefs under the penalty of perjury. The right to amend is reserved for the truth to be clearly stated.

“FOR THE RECORD, I SWEAR TO INNOCENCE BEFORE MY CREATOR.”



Denny-Ray: Hardin, Sui Juris

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Certificate of Service

I Denny-Ray: Hardin do hereby certify that a copy of the attached Motion; Response to Plaintiff's Motion For Continuance was mailed by certified mail on this 18th day of June 2011 to the following:

Fernando J. Gaitan Jr.

Chief District Judge

United States Federal District Court

for the Western District of Missouri

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